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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,988	02/07/2004	Alan C. Geishardt	1158	9570

7590 12/07/2004
Donald J. Ersler
725 Garvens Avenue
Brookfield, WI 53005

EXAMINER

BOSWELL, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/774,988

Applicant(s)

GEISLHARDT, ALAN C. 

Examiner

Christopher Boswell

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-8, and 10-18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 2,020,188 to Johnson.

Johnson discloses a method of latching a sliding door, having the steps of providing a handle (C) having a locking portion (29) on one end and a handle portion (25) on the other end thereof, retaining the handle pivotally (figure 2) with a locking mounting plate (31) on one side of the door and a mounting plate (38) on the other side of the door, attaching a handle latch (43) to a mounting surface (12) adjacent the door, the handle latch being structured to receive the locking portion (figure 4), biasing the handle (42) such that the locking portion is retained in the handle latch, and moving the handle axially and pivoting the handle to remove the locking portion from the handle latch (figures 4 and 5), as in claims 1, 2, 8 and 14.

Johnson also discloses the handle is biased with a spring (42), as in claims 4, 10, and 16, where it is provided with a second mounting plate (35) that is retained adjacent said locking mounting plate, as in claims 5, 11, and 15, and a first handle bearing (34; column 2, lines 40-44) being inserted into the mounting plate to pivotally retain said handle, and a second handle bearing (39; column 2, lines 45-49) being inserted into the second mounting plate to pivotally retain said handle, as in claims 6, 12, and 17, as well as providing the handle latch with an

Art Unit: 3676

extension slot (figure 6) that is sized to receive a latch extension (30) formed on an end of the locking portion, as in claims 7, 13, and 18.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson, as applied above to claims 1-2, 4-8 and 10-18, and in further view of U.S. Patent Number 4,591,176 to Kassai.

Johnson discloses the invention substantially as claimed. However, Johnson does not disclose either a locking key on the handle, or a lock slot in the locking mounting plate. Kassai teaches of a latching assembly with a connecting rod having a locking key (22) protruding from the rod, and a lock slot (23) formed within a mounting means in the analogous art of latching assemblies for the purpose of establishing a torque transmission means (column 3, lines 57-63). It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a locking key protrusion on the exterior of the handle and a slot formed in the mounting hole in order to suspend transmission of torque for the purpose of preventing rotation.

Art Unit: 3676

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson, as applied above to claims 1-2, 4-8, and 10-18, and further in view of U.S. Patent 3,583,738 to Uphoff.

Johnson discloses the invention substantially as claimed. Johnson discloses the latching assembly to be used on a sliding door (column 1, lines 53-55). However, Johnson does not disclose the mounting surface is on an opposing sliding door. Uphoff teaches of a latch and handle assembly for use on a pair of sliding doors (figures 1-3) in the same field of endeavor for the purpose of permitting the opening of the doors from the outside and latching them to stay in a closed position (column 1, lines 9-11). It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate an opposed sliding door to be the mounting surface for the latch assembly of Johnson in order to obtain a larger opening and to permit the opening of the doors from the outside and latching them to stay in a closed position.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to latching assemblies with rigid operating means:

U.S. Patent Number 5,568,953 to Showalter, U.S. Patent Number 4,674,777 to Guelck, U.S. Patent Number 3,929,360 to Gulistan, U.S. Patent Number 3,891,253 to Revell, U.S. Patent Number 2,603,512 to Schatzman, U.S. Patent Number 2,529,009 to Foss, U.S. Patent Number 1,928,734 to Nelson.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (703) 305-4067.

The examiner can normally be reached on 8:30 - 5:00 M-F.

Art Unit: 3676

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJB

November 30, 2004



DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600